

KARIN M. GUNTER

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July 19, 2023

VIA ECF FILING and CHAMBERS OF JUDGE WOLSON@PAED.USCOURTS.GOV

The Honorable Joshua D. Wolson
12613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

RE: Gunter v. Drexel University
Civ.A.No.: 2:23-cv-02451-JDW
Plaintiff's Request to Strike Waiver of Service of Summons Executed and
Filed by Counsel for Defendant – ECF No. 8

Dear Judge Wolson:

I represent Plaintiff Kim P. Gunter ("Plaintiff") in the above captioned matter. Joe H. Tucker, Jr., Esquire and Leslie Miller Greenspan, Esquire represent Defendant Drexel University ("Drexel"). Today, counsel Tucker executed and filed of record a Waiver of Service of Summons form alleging Plaintiff served Notice and Waiver on July 11, 2023. *See* ECF No. 8. A true and correct copy of the Waiver is attached as Exhibit "A" for convenience. She did not.

In fact, Plaintiff personally served the Tucker Law Group on July 14, 2023 with the Summons and Amended Complaint. Pursuant to Fed.R.Civ.P. 4(d), Plaintiff did have the option to request Defendant to execute such a waiver. However, in this matter, Plaintiff did not serve Notice or a Waiver of Service of Summons form. Counsel Tucker acknowledged such in an email to the undersigned. A true and correct copy of counsel Tucker's email is attached as Exhibit "B".

Accordingly, Plaintiff requests the Waiver be vacated, and Drexel file a responsive pleading within 21 days from date of personal service of the Summons and Complaint, which was July 14, 2023.

Thank you.

Yours truly,

/s/ Karin M. Gunter

Enclosures

cc: Joe H. Tucker, Jr., Esquire (via ECF)
Leslie Miller Greenspan, Esquire (via ECF)

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania_____
Kim P. Gunter

Plaintiff

v.

Drexel University

Defendant

Civil Action No. 23-2451

WAIVER OF THE SERVICE OF SUMMONS

To: Karin M. Gunter, Esquire

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 07/11/2023, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 07/19/2023_____
Signature of the attorney or unrepresented party_____
Drexel University

Printed name of party waiving service of summons

Joe H. Tucker, Jr., Esquire

Printed name

Tucker Law Group, LLC
1801 Market Street, Suite 2500
Philadelphia, PA 19103_____
Address_____
jtucker@tlgattorneys.com

E-mail address

(215) 875-0609

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

Exhibit "A"



Karin Gunter <kgunterlaw2@gmail.com>

Gunter v. Drexel University No. 23-cv-02451 - Certificate of Service Filed

Joe Tucker <jtucker@tlgattorneys.com>
To: Karin Gunter <kgunterlaw2@gmail.com>

Mon, Jul 17, 2023 at 4:28 PM

Counsel—I have repeatedly requested that you provide me with a waiver of service in this matter. I do not understand your refusal to do so.



Joe H. Tucker, Jr., Esquire

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Exhibit "B"

From: Karin Gunter <kgunterlaw2@gmail.com>
Sent: Monday, July 17, 2023 12:58 PM
To: Joe Tucker <jtucker@tlgattorneys.com>